

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

Kimberly Hodges

Plaintiff

vs.

**Unum Life Insurance
Company of America**

Defendant

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CIVIL NO.: 1:16-cv-00646

ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COMES Kimberly Hodges, formerly known as Kimberly Wiggins, Plaintiff herein, complaining of Unum Life Insurance Company of America, Defendant, and for cause of action would show:

1. Plaintiff was a resident of Austin, Texas, which is in the Western District of Texas, at the time the conduct described in this Complaint occurred.
2. Defendant, Unum Life Insurance Company of America, (“Unum”) is an insurance corporation duly and legally formed under the laws of Maine, which does business in the State of Texas, and may be served with citation herein by serving its registered agent, Corporation Service Company, 211 East 7th Street, Suite 620, Austin, Texas 78701-3218.

3. Jurisdiction is appropriate in this court as the matter in controversy arises under federal statutes. Plaintiff is entitled to recover under the civil enforcement provisions of the Employee Retirement Income Security Act of 1974 (“ERISA”), specifically including 29 U.S.C. § 1132 (a)(1)(B) and 29 U.S.C. § 1133. Plaintiff would show that she is a participant in or beneficiary of an employee welfare benefit plan which includes an insurance policy issued by Unum. Plaintiff brings this action to recover said benefits, to enforce her rights under the terms of the plan, to clarify her right to future benefits under the terms of the plan, and to obtain other appropriate equitable relief.
4. In June, 2013, Plaintiff, then known as Kimberly Wiggins, became disabled. Plaintiff has been found to be Totally Disabled by the Social Security Administration under its standards as of June 25, 2013. At that time, Plaintiff was employed as a Head Start Teacher by Child Inc. and was insured for Long Term Disability benefits under a policy of insurance identified as policy number 397876 issued by Unum to Child Inc. Plaintiff properly submitted a claim for disability benefits to Unum, identified as claim number 9073333 which was initially approved, but thereafter denied. Plaintiff then properly appealed to the designated fiduciary of the plan but that appeal was denied on March 24, 2014.
5. Plaintiff has exhausted all administrative remedies available to her under the plan. All conditions precedent to this cause of action have been met or have occurred.
6. Plaintiff is entitled to recover under the civil enforcement provisions of ERISA and seeks the benefits she has been denied, clarification of her right to receive future benefits under the plan, attorney’s fees and expenses incurred herein and other appropriate equitable relief.

WHEREFORE, Plaintiff prays that Defendant be cited to appear herein and answer and that on final hearing, she have judgment against Defendant for her damages, plus pre-judgment and post-judgment legal interest, for costs of suit, for reasonable attorney's fees and expenses incurred and that Plaintiff have a clarification of her right to receive future benefits, to which she may show herself justly entitled under the attending facts and circumstances.

Respectfully submitted,

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By: /s/ Lonnie Roach
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